

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-against-

MOISES LLUBERES.

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/9/2021

**ORDER**

20-CR-493 (VSB)


VERNON S. BRODERICK, United States District Judge

A Monsanto hearing is scheduled in this matter for September 13, 2021 at 10:00 a.m. Members of the public, and press may use 1-888-363-4749; access code: 2682448 to listen to the hearing.

Per the SDNY COVID-19 COURTHOUSE ENTRY PROGRAM, anyone who appears at any SDNY courthouse must complete a screening questionnaire. Please see the instructions attached, as well as standing order 21-MC-164 (LTS) issued on August 6, 2021. Completing the screening questionnaire ahead of time will save time and effort upon entry. Only those individuals who meet the entry requirements established by the screening questionnaire will be permitted entry.

SO ORDERED.

Dated: September 9, 2021  
New York, New York

  
Vernon S. Broderick  
United States District Judge



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

*Office of the District Court Executive*

EDWARD A. FRIEDLAND  
District Court Executive

Voice: (212) 805-0500  
Fax: (212) 805-0383

MEMORANDUM

TO: ALL PERSONS  
FROM: SDNY DISTRICT EXECUTIVE'S OFFICE  
SUBJECT: ENTRY INTO SDNY COURTHOUSES FOLLOWING TRAVEL  
DATE: 4/9/21

The following rules apply to anyone seeking to enter one of the courthouses of the SDNY within 10 days of their arrival to New York following travel. All other criteria for entry set forth in the Fifth Amended Standing Order on Entry, M10-468, and the SDNY COVID-19 entry questionnaire still apply.

**Domestic Travel:**

- **Domestic travelers to New York who achieved full vaccination\* at least 14 days prior to the date they seek entry to the courthouse** can enter the courthouse without having to quarantine or provide proof of a negative COVID test.
- The following individuals can also enter the courthouse without quarantine or testing, regardless of vaccination status:
  - **Domestic travelers to New York from contiguous states (New Jersey, Pennsylvania, Connecticut, Massachusetts and Vermont);** and
  - **Domestic travelers to any state who were out of New York for less than 24 hours.**
- **All other domestic travelers** may only enter the courthouse if they test negative on a COVID PCR diagnostic test\*\* administered within two days prior to entry to the courthouse.

**International Travel:**

- **International travelers who achieved full vaccination\* at least 14 days prior to the date they seek entry to the courthouse** may only enter the courthouse if they (1) test negative on a COVID PCR diagnostic test\*\* administered no more than 3 days before travel, and (2) test negative on a second COVID PCR diagnostic test\*\* administered no sooner than 4 days after their arrival to New York.
- **International travelers who have not achieved full vaccination\* at least 14 days prior to the date they seek entry to the courthouse** may only enter the courthouse if they: (1) test negative on a COVID PCR diagnostic test\*\* administered no more than 3 days before travel, (2) quarantine for 7 days upon arrival to New York, and (3) test negative on a second COVID PCR diagnostic test\*\* administered no sooner than 4

days after their arrival to New York State.

\*According to the CDC, people are considered fully vaccinated for COVID-19  $\geq 2$  weeks after they have received the second dose in a 2-dose series (Pfizer-BioNTech or Moderna), or  $\geq 2$  weeks after they have received a single-dose vaccine (Johnson and Johnson [J&J]/Janssen).

\*\*At-home or mail-in tests are not acceptable. See the list of acceptable tests on the following page.

**Proof of negative test results must be submitted in either paper or electronic form at the entrance to the courthouse.**

**Tests that are accepted:**

Accepted Molecular test types:

- PCR / RT-PCR / ddPCR / Rapid PCR (Polymerase Chain Reaction)
- NAA / NAAT (Nucleic Acid Amplification)
- AMP PRB (Amplified Probe)
- LAMP (Loop-mediated Isothermal Amplification)
- TMA (Transcription-mediated Amplification)

Accepted Molecular test brands, such as, but not limited to:

- Abbott ID NOW
- Quidel Lyra PCR
- Abbott Realtime PCR
- Cobas Qualitative PCR
- FTD PCR
- Xpert Xpress
- Simplexa Direct PCR

**Tests that are not accepted:**

- Any at-home or mail-in kits (sample collection must be overseen by licensed medical staff)
- Any test that does not rely on a nasal swab, such as:
  - Sputum, saliva and spit collection (spit in a cup, etc.)
  - Gargle, oral rinse, etc.
  - Oral swab without a nasal swab
- All Antigen (Ag) tests (including Quidel Sophia, Abbott BinaxNOW and Rapid Antigen Tests)
- All Antibody tests (such as IgG, IgA, IgM and Rapid Antibody Tests)
- All blood tests (such as fingerstick, venipuncture)
- All plasma tests
- All serum tests
- All lateral flow tests
- Any doctor's note

Chief Judge  
Laura Taylor Swain

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: CORONAVIRUS/COVID-19 PANDEMIC

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M10-468

THIS MATTER RELATES TO: Restrictions on Entry  
to the Courthouses

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NINTH AMENDED  
STANDING ORDER

In the interest of public health and safety, and after consideration of public health guidelines issued by the Centers for Disease Control and Prevention, New York State, New York City, Westchester County, and other public health authorities, the United States District Court for the Southern District of New York hereby orders that, effective immediately and until this order is rescinded,

IT IS HEREBY ORDERED that the following persons may not enter any courthouse in the Southern District of New York:

- Persons who have tested positive for COVID-19, or been told by a health-care provider to assume they have COVID-19 due to symptoms or other factors, in the past 10 days.
- Persons who have experienced symptoms of COVID-19 within the past 10 days that are not explained by allergies or an underlying condition, including fever, cough, shortness of breath or difficulty breathing, extreme fatigue, nausea or vomiting, congestion or runny nose, muscle or body aches, headache, sore throat, new loss of taste or smell, and diarrhea.
- Persons who have had close contact within the past 14 days with anyone with COVID-19 during the time period starting 48 hours before the onset of the infected person's symptoms or positive COVID-19 test. (Note: "close contact" is defined as **being within 6 feet for at least 10 minutes over a 24-hour period.**) **Please note that this restriction does not apply to those who achieved full vaccination\* prior to the close contact.**
- Persons who have had close contact within the past 14 days with anyone experiencing any of the symptoms of COVID-19 that are not explained by allergies or an underlying condition, including fever, cough, shortness of breath

or difficulty breathing, extreme fatigue, nausea or vomiting, congestion or runny nose, muscle or body aches, headache, sore throat, new loss of taste or smell, and diarrhea. (Note: “close contact” is defined as **being within 6 feet for at least 10 minutes over a 24-hour period.**) **Please note that this restriction does not apply to those who achieved full vaccination\* prior to the close contact.**

- Persons who live with someone who has been instructed to quarantine in the past 14 days due to close contact with an individual who tested positive for COVID-19. **Please note that this restriction does not apply to those who achieved full vaccination\* prior to the start of the quarantine.**
- Persons who have been on a cruise ship or river voyage in the past 10 days. **Please note that this restriction does not apply to those who achieved full vaccination\* more than 14 days ago.**
- Persons who have been outside of New York, Connecticut, New Jersey, Massachusetts, Pennsylvania, Vermont for more than 24 hours in the past 10 days, unless proof of compliance with the Court’s travel protocol is provided. The Court’s travel protocol is set forth in a memo which can be found in the Response to COVID-19 section of the Court’s website, located at <https://www.nysd.uscourts.gov/covid-19-coronavirus>. **Please note that the Court’s protocol on testing following domestic travel does not apply to those who achieved full vaccination\* more than 14 days prior to entry to the courthouse.**
- Persons who have attended an indoor gathering of more than 50 people at a private residence in the past 14 days, including but not limited to parties, celebrations or other social events. **Please note that this restriction does not apply to those who achieved full vaccination\* prior to attending the gathering.**
- Persons who have been released from a federal, state or local jail, prison or other correctional institution within the last 14 days, except those who are reporting to be fit with a location monitoring device. **Please note that this restriction does not apply to those who achieved full vaccination\* at least 14 days prior to release.**
- Persons who do not meet the criteria for entry as determined by the SDNY COVID-19 entry questionnaire, which can be accessed at <https://www.nysd.uscourts.gov/covid-19-coronavirus>.

\*Fully vaccinated is defined as being 2 or more weeks after the final dose (e.g., first for Janssen/Johnson & Johnson, second for Pfizer and Moderna) of the vaccine approved by the FDA or authorized by the FDA for emergency use. Vaccines that are not authorized by the U.S. Federal Drug Administration (FDA) for emergency use or approved by the FDA do not satisfy this definition.

**Anyone attempting to enter in violation of these protocols will be denied entry by a Court Security Officer.**

Anyone who has business in one of the courthouses of the Southern District of New York, but who cannot enter because of this order, should do the following:

- Persons who are represented by an attorney should contact their attorney;
- Attorneys or pro se litigants who are scheduled to appear in court before a judge should contact the judge's chambers directly (contact information may be found in the Judges' Individual Practices on the court's public web page);
- Persons who are scheduled to meet with a Pretrial Services Officer should contact the Office of Pretrial Services at (212) 805-4300;
- Persons who are scheduled to meet with a Probation Officer should contact the Probation Office at (212) 805-0040;
- Jurors should contact the Jury Department at (212) 805-0179;
- Employees reporting to work at the courthouse should contact their supervisor;
- Persons having any other business with the United States District Court for the Southern District of New York should contact the Clerk of Court at (212) 805-0140;
- Persons having business with the United States Court of Appeals for the Second Circuit should contact Catherine Wolfe, Clerk of Court, at (646) 584-2696;
- Persons having business with the United States Bankruptcy Court for the Southern District of New York should contact Bankruptcy Court Services at (212) 284-4040;
- For all other matters, please contact the District Executive's Office at (212) 805-0500.

IT IS FURTHER ORDERED that each person who comes to one of the courthouses of the Southern District of New York for any reason must pass through the following entry screening process:

- Answer a screening question about COVID-19 vaccination status.
- If unvaccinated (or not yet fully vaccinated), have their temperature taken, using a contactless thermometer. A person with a temperature of 100.4 degrees or higher will not be permitted to enter the courthouse.

- If unvaccinated (or not yet fully vaccinated), answer screening questions relating to COVID-19 symptoms and potential exposure. A person whose answers indicate that they are at increased risk of being contagious with COVID-19 will not be permitted to enter the courthouse.
- Wear a mask that covers the person's nose and mouth. Bandannas, gaiters and masks with valves are not permitted. If a person does not have an approved mask, a screener will provide one.
- Apply hand sanitizer, which will be available at all courthouse entrances.

IT IS FURTHER ORDERED that while in the courthouse, all persons must comply with the following rules:

- **Face Coverings:** You must wear a mask that covers your nose and mouth in all public areas of the courthouse (including hallways, public counters, elevators and courtrooms), except that testifying witnesses and attorneys speaking from semi-enclosed podiums that have been outfitted with HEPA filters should follow the directions of the presiding judicial officer (or member of their staff) regarding mask usage. You must also wear a mask in all non-public shared space/common areas where more than one person is assigned to work. These rules apply unless a specific exception has been requested and approved by the Court's COVID-Response Team prior to your entry to the courthouse.
- **Social Distancing:** You must adhere to safe social distancing rules, by standing or sitting at least six feet away from other individuals. You must abide by markings on floors and benches indicating where you may stand or sit. If you are standing in line, you must keep six feet away from the person in front of you and behind you, unless you are taking care of a small child or assisting someone with special needs. Elevator capacity will be limited as posted. You must wear a mask that covers your nose and mouth inside elevators. The only exceptions to the distancing rule are if you are fully vaccinated and: (i) you work in the courthouse, a supervisor has given you permission to refrain from social distancing from other fully vaccinated individuals in a particular non-public space and you are in that space, or (ii) you are participating in a non-jury case proceeding and a judicial officer or member of their staff has given you permission to refrain from social distancing from other fully vaccinated individuals in a particular space and you are in that space.
- **Instructional Signage:** You must abide by all health and hygiene signage throughout the courthouses, including signage regarding masks, social distancing, occupancy restrictions, and hand washing.

Anyone who fails or refuses to abide by these rules will be required to leave the courthouse immediately.



This order supersedes and replaces the Eighth Amended Standing Order on Restrictions to Entry to Courthouses that was entered on June 28, 2021, and will remain in place until further notice.

People who think they may have been exposed to COVID-19 should contact their healthcare provider immediately.

ENTERED this 6th day of August, 2021, at New York, New York

A handwritten signature in black ink, appearing to read 'L. Swain', is positioned above a horizontal line.

LAURA TAYLOR SWAIN  
Chief United States District Judge

All members of the public, including attorneys, appearing at a Southern District of New York courthouse must complete a questionnaire and have their temperature taken before being allowed entry into that courthouse.

On the day you are due to arrive at the courthouse, click on the following weblink, or scan the following QR code with a mobile device camera to begin the enrollment process. Follow the instructions and fill out the questionnaire. If your answers meet the requirements for entry, you will be sent a QR code to be used at the SDNY entry device at the courthouse entrance.

<https://app.certify.me/SDNYPublic>



Note: If you do not have a mobile phone or mobile phone number, you must complete the questionnaire and temperature screening at an entry device at the courthouse.